

subchapter, but not to exceed \$5,000,000 for the acquisition of lands and interests therein, \$50,000,000 for development, and \$25,000,000 for financial and technical assistance to owners of non-Federal property as provided in section 410yy-7 of this title.

(b) There are authorized to be appropriated annually to the Commission to carry out its duties under this subchapter, \$250,000.

(Pub. L. 102-543, §10, Oct. 27, 1992, 106 Stat. 3574; Pub. L. 111-11, title VII, §7101(c), Mar. 30, 2009, 123 Stat. 1190.)

#### AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11, §7101(c)(1), substituted “\$50,000,000 for development, and \$25,000,000” for “\$25,000,000 for development, and \$3,000,000”.

Subsec. (b). Pub. L. 111-11, §7101(c)(2), substituted “\$250,000” for “\$100,000 except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties”.

### SUBCHAPTER LIX-X—SAGUARO NATIONAL PARK

#### § 410zz. Findings and purpose

The Congress finds that—

(1) the Saguaro National Monument was established by Presidential Proclamation in 1933;

(2) the Tucson Mountain unit was established by Presidential Proclamation in 1961;

(3) in recognition of the need to provide increased protection for the monument, the boundaries of Tucson Mountain unit were expanded in 1976, and the boundaries of Rincon unit were expanded in 1991;

(4) the Tucson Mountain unit continues to face threats to the integrity of its natural resources, scenic beauty, and habitat protection for which the unit was established;

(5) these threats impede opportunities for public enjoyment, education, and safety within the monument, as well as opportunities for solitude within the wilderness areas of the monument designated by Congress in 1976;

(6) the residential and commercial growth of the greater Tucson, Arizona metropolitan area is causing increasing threats to the monument's resources; and

(7) the Tucson Mountain unit should be enlarged by the addition of adjacent lands of National Park caliber and Saguaro National Monument should be afforded full recognition and statutory protection as a National Park.

(Pub. L. 103-364, §2, Oct. 14, 1994, 108 Stat. 3467.)

#### SHORT TITLE

Section 1 of Pub. L. 103-364 provided that: “This Act [enacting this subchapter and amending provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 431 of this title] may be cited as the ‘Saguaro National Park Establishment Act of 1994’.”

#### § 410zz-1. Establishment

There is hereby established the Saguaro National Park (hereinafter in this subchapter referred to as the “park”) in the State of Arizona. The Saguaro National Monument is abolished as

such, and all lands and interests therein are hereby incorporated within and made part of Saguaro National Park. Any reference to Saguaro National Monument shall be deemed a reference to Saguaro National Park, and any funds available for the purposes of the monument shall be available for purposes of the park.

(Pub. L. 103-364, §3, Oct. 14, 1994, 108 Stat. 3467.)

#### § 410zz-2. Expansion of boundaries

##### (a) In general

The boundaries of the park are hereby modified to reflect the addition of approximately 3,460 acres of land and interests therein as generally depicted on the map entitled “Saguaro National Monument Additions” and dated April, 1994.

##### (b) Land acquisition

(1) Within the lands added to the park pursuant to subsection (a) of this section, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange: *Provided*, That no such lands or interests therein may be acquired without the consent of the owner thereof unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is detrimental<sup>1</sup> to the integrity of the park.

(2) Lands or interests therein owned by the State of Arizona or a political subdivision thereof may only be acquired by donation or exchange.

##### (c) Withdrawal

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the United States mining laws, and from disposition under all laws relating to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103-364, §4, Oct. 14, 1994, 108 Stat. 3468.)

#### § 410zz-3. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 103-364, §5, Oct. 14, 1994, 108 Stat. 3468.)

### SUBCHAPTER LIX-Y—CALIFORNIA DESERT LANDS PARKS AND PRESERVE

#### PART A—DEATH VALLEY NATIONAL PARK

#### § 410aaa. Findings

The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the Na-

<sup>1</sup> So in original. Probably should be “detrimental”.

tional Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and<sup>1</sup> wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 103-433, title III, §301, Oct. 31, 1994, 108 Stat. 4485.)

#### REFERENCES IN TEXT

The Wilderness Act, referred to in par. (5), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

#### SHORT TITLE

Section 1 of Pub. L. 103-433 provided that: "Sections 1 and 2, and titles I through IX of this Act [enacting this subchapter, provisions listed in a table of Wilderness Areas set out under section 1132 of this title, and provisions set out as notes under this section, section 410aaa-82 of this title, and section 1781 of Title 43, Public Lands, and amending provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 431 of this title and a table of Wilderness Areas set out under section 1132 of this title] may be cited as the 'California Desert Protection Act of 1994'."

#### TIMBISHA SHOSHONE HOMELAND

Pub. L. 106-423, Nov. 1, 2000, 114 Stat. 1875, provided that:

##### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Timbisha Shoshone Homeland Act'.

##### "SEC. 2. FINDINGS.

"Congress finds the following:

"(1) Since time immemorial, the Timbisha Shoshone Tribe has lived in portions of California and Nevada. The Tribe's ancestral homeland includes the area that now comprises Death Valley National Park and other areas of California and Nevada now administered by the Bureau of Land Management.

"(2) Since 1936, the Tribe has lived and governed the affairs of the Tribe on approximately 40 acres of land near Furnace Creek in the Park.

"(3) The Tribe achieved Federal recognition in 1983 but does not have a land base within the Tribe's ancestral homeland.

"(4) Since the Tribe commenced use and occupancy of the Furnace Creek area, the Tribe's membership has grown. Tribal members have a desire and need for housing, government and administrative facilities, cultural facilities, and sustainable economic development to provide decent, safe, and healthy conditions for themselves and their families.

"(5) The interests of both the Tribe and the National Park Service would be enhanced by recogniz-

ing their coexistence on the same land and by establishing partnerships for compatible land uses and for the interpretation of the Tribe's history and culture for visitors to the Park.

"(6) The interests of both the Tribe and the United States would be enhanced by the establishment of a land base for the Tribe and by further delineation of the rights and obligations of each with respect to the Furnace Creek area and to the Park as a whole.

##### "SEC. 3. PURPOSES.

"Consistent with the recommendations of the report required by section 705(b) of the California Desert Protection Act of 1994 [16 U.S.C. 410aaa-75(b)] (Public Law 103-433; 108 Stat. 4498), the purposes of this Act are—

"(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

"(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

"(3) to ensure that the resources within the Park are protected and enhanced by—

"(A) cooperative activities within the Tribe's ancestral homeland; and

"(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

"(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

"(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

"(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

"(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

##### "SEC. 4. DEFINITIONS.

"In this Act:

"(1) PARK.—The term 'Park' means Death Valley National Park, including any additions to that Park.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior or the designee of the Secretary.

"(3) TRIBAL.—The term 'tribal' means of or pertaining to the Tribe.

"(4) TRIBE.—The term 'Tribe' means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(5) TRUST LANDS.—The term 'trust lands' means those lands taken into trust pursuant to this Act.

##### "SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

"(a) IN GENERAL.—Subject to valid existing rights (existing on the date of enactment of this Act [Nov. 1, 2000]), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

"(b) PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.—

"(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

<sup>1</sup> So in original. Probably should be "and".

“(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

“(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled ‘Death Valley Junction, California’, numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

“(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled ‘Centennial, California’, numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

“(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe’s right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

“(D) Scotty’s Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled ‘Scotty’s Junction, Nevada’, numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

“(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled ‘Lida, Nevada, Community Parcel’, numbered Map #5 and dated April 12, 2000, together with 14.7 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

“(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act [Nov. 1, 2000], and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

“(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

“(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

“(i) for purposes of community and residential development—

“(I) a maximum of 50 single-family residences; and

“(II) a tribal community center with space for tribal offices, recreation facilities, a multi-purpose room and kitchen, and senior and youth facilities;

“(ii) for purposes of economic development—

“(I) a small-to-moderate desert inn; and

“(II) a tribal museum and cultural center with a gift shop; and

“(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

“(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

“(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

“(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act [Nov. 1, 2000] on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

“(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act [Nov. 1, 2000], the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

“(d) ADDITIONAL TRUST RESOURCES.—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

“(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled ‘Indian Rancheria Site, California’ numbered Map #6 and dated December 3, 1999.

“(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled ‘Lida Ranch’ numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

“(e) SPECIAL USE AREAS.—

“(1) IN GENERAL.—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in para-

graph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

“(2) RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe’s continued use of Park resources for traditional tribal purposes, practices, and activities.

“(3) RESOURCE USE BY THE TRIBE.—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

“(4) SPECIFIC AREAS.—The following areas are designated special use areas pursuant to paragraph (1):

“(A) MESQUITE USE AREA.—The area generally depicted on the map entitled ‘Mesquite Use Area’ numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

“(B) BUFFER AREA.—An area of approximately 1,500 acres, as generally depicted on the map entitled ‘Buffer Area’ numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

“(C) TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled ‘Timbisha Shoshone Natural and Cultural Preservation Area’ numbered Map #9 and dated April 12, 2000.

“(5) ADDITIONAL PROVISIONS.—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

“(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act [Nov. 1, 2000]);

“(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

“(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

“(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

“(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the ‘American Indian Religious Freedom Act’) (42 U.S.C. 1996 et seq.); and

“(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

“(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to pro-

tect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

“(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

“(f) ACCESS AND USE.—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

“(g) ADMINISTRATION.—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

#### “SEC. 6. IMPLEMENTATION PROCESS.

“(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

“(b) STANDARDS.—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

“(c) WATER MONITORING.—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty’s Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

#### “SEC. 7. MISCELLANEOUS PROVISIONS.

“(a) TRIBAL EMPLOYMENT.—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

“(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

“(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe’s initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

“(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act [Nov. 1, 2000].

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act such sums as may be necessary.”

FINDINGS AND POLICY

Section 2 of Pub. L. 103-433 provided that:

“(a) The Congress finds and declares that—

“(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

“(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

“(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

“(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

“(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 [43 U.S.C. 1781] of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

“(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

“(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

“(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

“(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

“(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

“(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

“(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

“(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.”

**§ 410aaa-1. Establishment**

There is hereby established the Death Valley National Park (hereinafter in this part referred to as the “park”) as generally depicted on twenty-three maps entitled “Death Valley National Park Boundary and Wilderness—Proposed”, numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the of-

fices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(Pub. L. 103-433, title III, §302, Oct. 31, 1994, 108 Stat. 4485.)

**§ 410aaa-2. Transfer and administration of lands**

On October 31, 1994, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 410aaa-1 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this part in accordance with the provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title.

(Pub. L. 103-433, title III, §303, Oct. 31, 1994, 108 Stat. 4486.)

**§ 410aaa-3. Maps and legal description**

Within six months after October 31, 1994, the Secretary shall file maps and a legal description of the park designated under this part with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 410aaa-1 of this title. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

(Pub. L. 103-433, title III, §304, Oct. 31, 1994, 108 Stat. 4486.)

**§ 410aaa-4. Withdrawal**

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103-433, title III, §305, Oct. 31, 1994, 108 Stat. 4486.)

**§ 410aaa-5. Grazing**

**(a) In general**

The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject

to applicable laws and National Park Service regulations.

**(b) Sale of property**

If a person holding a grazing permit referred to in subsection (a) of this section informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

(Pub. L. 103-433, title III, §306, Oct. 31, 1994, 108 Stat. 4486.)

**§ 410aaa-6. Death Valley National Park Advisory Commission**

**(a) Establishment**

The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

**(b) Membership**

(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.

**(c) Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

**(d) Termination**

The advisory commission shall cease to exist ten years after the date of its establishment.

(Pub. L. 103-433, title III, §307, Oct. 31, 1994, 108 Stat. 4487.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 410aaa-7. Boundary adjustment**

In preparing the maps and legal descriptions required by section 410aaa-3 of this title and sec-

tion 602 of this Act, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.

(Pub. L. 103-433, title III, §308, Oct. 31, 1994, 108 Stat. 4487.)

REFERENCES IN TEXT

Section 602 of this Act, referred to in text, is section 602 of Pub. L. 103-433, title VI, Oct. 31, 1994, 108 Stat. 4496, which is not classified to the Code.

PART B—JOSHUA TREE NATIONAL PARK

**§ 410aaa-21. Findings**

The Congress finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a National Park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act [16 U.S.C. 1131 et seq.].

(Pub. L. 103-433, title IV, §401, Oct. 31, 1994, 108 Stat. 4487.)

REFERENCES IN TEXT

The Wilderness Act, referred to in par. (5), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

**§ 410aaa-22. Establishment**

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National

Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(Pub. L. 103-433, title IV, § 402, Oct. 31, 1994, 108 Stat. 4488.)

#### **§ 410aaa-23. Transfer and administration of lands**

On October 31, 1994, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 410aaa-22 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System. The boundaries of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this part in accordance with the provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title.

(Pub. L. 103-433, title IV, § 403, Oct. 31, 1994, 108 Stat. 4488.)

#### **§ 410aaa-24. Maps and legal description**

Within six months after October 31, 1994, the Secretary shall file maps and legal<sup>1</sup> description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(Pub. L. 103-433, title IV, § 404, Oct. 31, 1994, 108 Stat. 4488.)

#### **§ 410aaa-25. Withdrawal**

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103-433, title IV, § 405, Oct. 31, 1994, 108 Stat. 4488.)

#### **§ 410aaa-26. Utility rights-of-way**

Nothing in this part shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(a)(2). Such activities shall be

conducted in a manner which will minimize the impact on park resources. Nothing in this part shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(a)(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within one hundred and eighty days after October 31, 1994, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

(Pub. L. 103-433, title IV, § 406, Oct. 31, 1994, 108 Stat. 4488.)

#### **REFERENCES IN TEXT**

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§617 et seq.) of chapter 12A of Title 43, Public Lands. For complete classification of this Act to the Code, see section 617t of Title 43 and Tables.

Section 601(a)(2), referred to in text, is section 601(a)(2) of Pub. L. 103-433, which enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

Act of June 18, 1932 (47 Stat. 324), referred to in text, is not classified to the Code.

#### **§ 410aaa-27. Joshua Tree National Park Advisory Commission**

##### **(a) Establishment**

The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Joshua Tree National Park.

##### **(b) Membership**

(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.

##### **(c) Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

##### **(d) Termination**

The advisory commission shall cease to exist ten years after the date of its establishment.

<sup>1</sup> So in original. Probably should be "a legal".

(Pub. L. 103–433, title IV, §407, Oct. 31, 1994, 108 Stat. 4489.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### PART C—MOJAVE NATIONAL PRESERVE

### § 410aaa–41. Findings

The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act [16 U.S.C. 1131 et seq.]; and

(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 794 of title 29, Public Law 101–336, the Americans With<sup>1</sup> Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], and other appropriate laws and regulations.

(Pub. L. 103–433, title V, §501, Oct. 31, 1994, 108 Stat. 4489.)

#### REFERENCES IN TEXT

This Act, referred to in par. (1), is defined in section 410aaa–81 of this title.

The Wilderness Act referred to in par. (4), is Pub. L. 88–577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in par. (5), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

### § 410aaa–42. Establishment

There is hereby established the Mojave National Preserve, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled “Mojave National Park Boundary—Proposed”, dated May 17, 1994, which shall be on file and available for inspection in the appropriate

offices of the Director of the National Park Service, Department of the Interior.

(Pub. L. 103–433, title V, §502, Oct. 31, 1994, 108 Stat. 4490.)

### § 410aaa–43. Transfer of lands

On October 31, 1994, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 410aaa–42 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

(Pub. L. 103–433, title V, §503, Oct. 31, 1994, 108 Stat. 4490.)

### § 410aaa–44. Maps and legal description

Within six months after October 31, 1994, the Secretary shall file maps and a legal description of the preserve designated under this part with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 410aaa–42 of this title. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(Pub. L. 103–433, title V, §504, Oct. 31, 1994, 108 Stat. 4490.)

### § 410aaa–45. Abolishment of scenic area

The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

(Pub. L. 103–433, title V, §505, Oct. 31, 1994, 108 Stat. 4490.)

### § 410aaa–46. Administration

(a) The Secretary shall administer the preserve in accordance with this part and with the provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title.

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and

<sup>1</sup> So in original. Probably should not be capitalized.



waters covered by this part nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this part.

(Pub. L. 103-433, title V, § 506, Oct. 31, 1994, 108 Stat. 4490.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (b), is defined in section 410aaa-81 of this title.

#### § 410aaa-47. Withdrawal

Subject to valid existing rights, all Federal lands within the preserve are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103-433, title V, § 507, Oct. 31, 1994, 108 Stat. 4491.)

#### § 410aaa-48. Regulation of mining

Subject to valid existing rights, all mining claims located within the preserve shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after October 31, 1994, shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

(Pub. L. 103-433, title V, § 508, Oct. 31, 1994, 108 Stat. 4491.)

#### REFERENCES IN TEXT

The Mining in the Parks Act, referred to in text, is Pub. L. 94-429, Sept. 28, 1976, 90 Stat. 1342, as amended, which is classified principally to chapter 39 (§ 1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

#### § 410aaa-49. Study as to validity of mining claims

(a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

(b)(1) Notwithstanding any other provision of law, the Secretary shall permit the holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446, Volco #B CAMC 105447, Volco 1 CAMC 80155, Volco 2 CAMC 80156, Volco 3 CAMC 170259, Volco 4 CAMC 170260, Volco 5 CAMC 78405, Volco 6 CAMC 78404, and Volco 7 CAMC 78403, Volco Placer 78332, to continue exploration and development activities on such claims for a period of two years after October 31,

1994, subject to the same regulations as applied to such activities on such claims on the day before October 31, 1994.

(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.

(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System.

(Pub. L. 103-433, title V, § 509, Oct. 31, 1994, 108 Stat. 4491.)

#### REFERENCES IN TEXT

The mining laws of the United States, referred to in subsec. (b)(2), are classified generally to Title 30, Mineral Lands and Mining.

#### § 410aaa-50. Grazing

(a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) If a person holding a grazing permit referred to in subsection (a) of this section informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the preserve, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the preserve and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

(Pub. L. 103-433, title V, § 510, Oct. 31, 1994, 108 Stat. 4492.)

#### § 410aaa-51. Utility rights-of-way

##### (a) Continuation of rights-of-way and other activities; upgrading transmission lines; emergency access plans

(1) Nothing in this part shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 601(a)(3). Such ac-

tivities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) Nothing in this part shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as “adjacent right-of-way”), including construction of a replacement transmission line: *Provided, That—*

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the “Eldorado rights-of-way”) at no time shall there be more than three electrical transmission lines;

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the “Mojave right-of-way”) and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way;

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed;

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to preserve resources;

(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to preserve resources; and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on preserve resources.

(3) The Secretary shall prepare within one hundred and eighty days after October 31, 1994, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

#### **(b) Pipeline capacity**

(1) Nothing in this part shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way issued, granted, or permitted to the Southern California Gas Company, its succes-

sors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 601(a)(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(2) The Secretary shall prepare within one hundred and eighty days after October 31, 1994, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

#### **(c) Communications cables or lines**

Nothing in this part shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 601(a)(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

#### **(d) Other rights-of-way**

Nothing in this part shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 601(a)(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.

(Pub. L. 103-433, title V, §511, Oct. 31, 1994, 108 Stat. 4492.)

#### **REFERENCES IN TEXT**

Section 601(a)(3), referred to in text, is section 601(a)(3) of Pub. L. 103-433, which enacted provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

#### **§ 410aaa-52. Preparation of management plan**

Within three years after October 31, 1994, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a detailed and comprehensive management plan for the preserve. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the preserve. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 794 of title 29, Public Law 101-336, the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], and other appropriate laws and regulations.

(Pub. L. 103-433, title V, §512, Oct. 31, 1994, 108 Stat. 4494.)

#### REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in text, is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

### § 410aaa-53. Granite Mountains Natural Reserve

#### (a) Establishment

There is hereby designated the Granite Mountains Natural Reserve within the preserve comprising approximately nine thousand acres as generally depicted on a map entitled “Mojave National Park Boundary and Wilderness—Proposed 6”, dated May 1991.

#### (b) Cooperative management agreement

On October 31, 1994, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of this part and laws generally applicable to units of the National Park System.

(Pub. L. 103-433, title V, §513, Oct. 31, 1994, 108 Stat. 4494.)

### § 410aaa-54. Soda Springs Desert Study Center

On October 31, 1994, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of this part and laws generally applicable to units of the National Park System.

(Pub. L. 103-433, title V, §514, Oct. 31, 1994, 108 Stat. 4494.)

### § 410aaa-55. Construction of visitor center

The Secretary is authorized to construct a visitor center in the preserve for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the preserve.

(Pub. L. 103-433, title V, §515, Oct. 31, 1994, 108 Stat. 4494.)

### § 410aaa-56. Acquisition of lands

The Secretary is authorized to acquire all lands and interest in lands within the boundary of the preserve by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the preserve which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by the California State Lands Commission; and

(2) lands or interests therein within the boundary of the preserve which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the preserve or which is otherwise incompatible with the purposes of this part: *Provided*, however, That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the preserve or incompatible with the purposes of this part.

(Pub. L. 103-433, title V, §516, Oct. 31, 1994, 108 Stat. 4494.)

#### LAND EXCHANGE, MOJAVE NATIONAL PRESERVE

Pub. L. 108-87, title VIII, §8121, Sept. 30, 2003, 117 Stat. 1100, provided that:

“(a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the ‘recipient’), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107-117; 115 Stat. 2278) [16 U.S.C. 431 note]) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

“(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569-051-44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

“(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

“(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

“(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

“(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the

Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.”

**§ 410aaa–57. Acquired lands to be made part of Mojave National Preserve**

Any lands acquired by the Secretary under this part shall become part of the Mojave National Preserve.

(Pub. L. 103–433, title V, § 517, Oct. 31, 1994, 108 Stat. 4495.)

**§ 410aaa–58. Mojave National Preserve Advisory Commission**

**(a) Establishment**

The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for the Mojave National Preserve.

**(b) Membership**

(1) The advisory commission shall include an elected official for each County within which any part of the preserve is located, a representative of the owners of private properties located within or immediately adjacent to the preserve, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.

**(c) Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.

**(d) Termination**

The advisory commission shall cease to exist ten years after the date of its establishment.

(Pub. L. 103–433, title V, § 518, Oct. 31, 1994, 108 Stat. 4495.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 410aaa–59. No adverse effect on land until acquired**

Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor

the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by section 4601–22(c) of this title. Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.

(Pub. L. 103–433, title V, § 519, Oct. 31, 1994, 108 Stat. 4495.)

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa–81 of this title.

The Mining in the Parks Act, referred to in text, is Pub. L. 94–429, Sept. 28, 1976, 90 Stat. 1342, as amended, which is classified principally to chapter 39 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

PART D—MISCELLANEOUS PROVISIONS

**§ 410aaa–71. Transfer of lands to Red Rock Canyon State Park**

On October 31, 1994, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled “Red Rock Canyon State Park Additions 1” and “Red Rock Canyon State Park Additions 2”, dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area’s scenic and scientific values.

(Pub. L. 103–433, title VII, § 701, Oct. 31, 1994, 108 Stat. 4497.)

**§ 410aaa–72. Land tenure adjustments**

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

(Pub. L. 103–433, title VII, § 702, Oct. 31, 1994, 108 Stat. 4497.)

REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa–81 of this title.

**§ 410aaa–73. Land disposal**

Except as provided in section 410aaa–26 of this title, none of the lands within the boundaries of

the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.

(Pub. L. 103-433, title VII, §703, Oct. 31, 1994, 108 Stat. 4497.)

#### REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa-81 of this title.

The Boulder Canyon Project Act, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§617 et seq.) of chapter 12A of Title 43, Public Lands. For complete classification of this Act to the Code, see section 617t of Title 43 and Tables.

### § 410aaa-74. Management of newly acquired lands

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

(Pub. L. 103-433, title VII, §704, Oct. 31, 1994, 108 Stat. 4497.)

#### REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa-81 of this title.

### § 410aaa-75. Native American uses and interests

#### (a) Access

In recognition of the past use of the National Park System units and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such park system units and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the park system unit or wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996 [1996a]) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

#### (b) Study

(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monu-

ment and the Death Valley National Park, as described in part A of this subchapter.

(2) Not later than 1 year after October 31, 1994, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the United States Senate, and the Committee on Natural Resources of the United States House of Representatives on the results of the study conducted under paragraph (1).

(Pub. L. 103-433, title VII, §705, Oct. 31, 1994, 108 Stat. 4498.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (a), is defined in section 410aaa-81 of this title.

The American Indian Religious Freedom Act, referred to in subsec. (a), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, as amended, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

### § 410aaa-76. Federal reserved water rights

#### (a) Reservation of sufficient water

Except as otherwise provided in section 204 of this Act, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be October 31, 1994.

#### (b) Protection of rights reserved

The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 666 of title 43.

#### (c) Relinquishment or reduction of rights

Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before October 31, 1994.

#### (d) Specific reservation

The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

(Pub. L. 103-433, title VII, §706, Oct. 31, 1994, 108 Stat. 4498.)

#### REFERENCES IN TEXT

Section 204 of this Act, referred to in subsec. (a), is section 204 of Pub. L. 103-433, title II, Oct. 31, 1994, 108 Stat. 4485, which is not classified to the Code.

This Act, referred to in subsecs. (a), (c), and (d), is defined in section 410aaa-81 of this title.

#### § 410aaa-77. California State School lands

##### (a) Negotiations to exchange

Upon request of the California State Lands Commission (hereinafter in this section referred to as the “Commission”), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park system units designated by this Act (hereinafter in this section referred to as “State School lands.”). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1716].

##### (b) Preparation of list

Within six months after October 31, 1994, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park system units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.], has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in the Secretary’s discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

##### (c) Disposal of surplus Federal property

(1) Effective upon October 31, 1994, and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such land or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

##### (d) No effect on military base closures

The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(Pub. L. 103-433, title VII, §707, Oct. 31, 1994, 108 Stat. 4499.)

##### REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b)(1), is defined in section 410aaa-81 of this title.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b)(2)(C), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (d), is Pub. L. 100-526, Oct. 24, 1988, 102 Stat. 2623, as amended. Title II of the Act is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of Title 10 and Tables.

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (d), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, which amended section 2687 of Title 10 and

enacted provisions set out as a note under section 2687 of Title 10.

#### § 410aaa–78. Access to private property

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

(Pub. L. 103–433, title VII, § 708, Oct. 31, 1994, 108 Stat. 4500.)

##### REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa–81 of this title.

#### § 410aaa–79. Federal facilities fee equity

##### (a) Policy statement

It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

##### (b) Fee study

The Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1996 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall—

- (1) identify all Federal lands and facilities that provide recreational or tourism use; and
- (2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

##### (c) Recommendations

Following completion of the report in subsection (b) of this section, the Secretary, in cooperation with other affected agencies, shall prepare and submit a report by May 1, 1997 to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Natural Resources of the United States House of Representatives, and any other relevant committees, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a) of this section.

(Pub. L. 103–433, title VII, § 709, Oct. 31, 1994, 108 Stat. 4500.)

#### § 410aaa–80. Land appraisal

Lands and interests in lands acquired pursuant to this Act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(Pub. L. 103–433, title VII, § 710, Oct. 31, 1994, 108 Stat. 4501.)

##### REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa–81 of this title.

The Endangered Species Act of 1973, referred to in text, is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as

amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

#### § 410aaa–81. Definition

Any reference to the term “this Act” in titles I through IX shall be deemed to be solely a reference to sections 1 and 2, and titles I through IX.

(Pub. L. 103–433, title VII, § 711, Oct. 31, 1994, 108 Stat. 4501.)

##### REFERENCES IN TEXT

Sections 1 and 2 and titles I to IX, referred to in text, are sections 1 and 2 and titles I to IX of Pub. L. 103–433, Oct. 31, 1994, 108 Stat. 4471, known as the California Desert Protection Act of 1994. Sections 1 and 2 of the Act are set out as notes under section 410aaa of this title. Titles I to IX of the Act are classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 410aaa of this title and Tables.

##### “SECRETARY” DEFINED

Section 103 of Pub. L. 103–433 provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

#### § 410aaa–82. Military overflights

##### (a) Overflights

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

##### (b) Special airspace

Nothing in this Act, the Wilderness Act [16 U.S.C. 1131 et seq.], or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park system or wilderness units.

##### (c) No effect on other laws

Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

(Pub. L. 103–433, title VIII, § 802, Oct. 31, 1994, 108 Stat. 4501.)

##### REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is defined in section 410aaa–81 of this title.

The Wilderness Act, referred to in subsecs. (a) and (b), is Pub. L. 88–577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

##### SHORT TITLE AND FINDINGS

Section 801 of title VIII of Pub. L. 103–433 provided that:

“(a) **SHORT TITLE.**—This title [enacting this section] may be cited as the ‘California Military Lands Withdrawal and Overflights Act of 1994’.

“(b) **FINDINGS.**—The Congress finds that—

“(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

“(2) the National Park System units and wilderness areas designated by this Act [see section 410aaa–81 of this title] lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

“(3) there is a lack of alternative sites available for these military training, testing, and research activities;

“(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

“(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.”

### § 410aaa–83. Authorization of appropriations

There is authorized to be appropriated to the National Park Service and to the Bureau of Land Management to carry out this Act an amount not to exceed \$36,000,000 over and above that provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period, and \$300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after October 31, 1994.

(Pub. L. 103–433, title IX, §901, Oct. 31, 1994, 108 Stat. 4508.)

#### REFERENCES IN TEXT

This Act, referred to in text, is defined in section 410aaa–1 of this title.

### SUBCHAPTER LIX–Z—NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

### § 410bbb. Findings and purpose

#### (a) Findings

The Congress finds that:

(1) Jazz is the United States’ most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

#### (b) Purpose

In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this subchapter to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

(Pub. L. 103–433, title XII, §1202, Oct. 31, 1994, 108 Stat. 4519.)

#### REFERENCES IN TEXT

Senate Concurrent Resolution 57, referred to in subsec. (a)(1), probably means H. Con. Res. 57, Dec. 4, 1987, 101 Stat. 2013, which is not classified to the Code.

#### SHORT TITLE

Section 1201 of title XII of Pub. L. 103–433 provided that: “This title [enacting this subchapter] may be cited as the ‘New Orleans Jazz National Historical Park Act of 1994’.”

### § 410bbb–1. Establishment

#### (a) In general

In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the “historical park”). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

#### (b) Area included

The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as “the Secretary”) may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this subchapter.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after October 31, 1994, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled “New Orleans Jazz Special Resource Study”, prepared by the National Park Service pursuant to Public Law 101–499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service